

Fill in this information to identify your case:

United States Bankruptcy Court for the:

NORTHERN DISTRICT OF WEST VIRGINIA

Case number (if known)

Chapter 11

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

4/19

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name West Virginia Resorts, LLC

2. All other names debtor used in the last 8 years
Include any assumed names, trade names and doing business as names

3. Debtor's federal Employer Identification Number (EIN) 55-0744089

4. Debtor's address **Principal place of business**

874 Chester Road
Charleston, WV 25302

Number, Street, City, State & ZIP Code

Kanawha
County

Mailing address, if different from principal place of business

100 Harris Drive
Rock Branch Industrial Park
Poca, WV 25159

P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal place of business

Number, Street, City, State & ZIP Code

5. Debtor's website (URL)

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify:

7. Describe debtor's business A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Railroad (as defined in 11 U.S.C. § 101(44))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

8. Under which chapter of the Bankruptcy Code is the debtor filing? Check one:

- ☐ Chapter 7
☐ Chapter 9

☒ Chapter 11. Check all that apply:

- ☒ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625 (amount subject to adjustment on 4/01/22 and every 3 years after that).
☒ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
☐ A plan is being filed with this petition.
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11 (Official Form 201A) with this form.
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years? ☒ No.
☐ Yes.

If more than 2 cases, attach a separate list.

District	When	Case number
District	When	Case number

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor? ☒ No.
☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor	Relationship
District	When
	Case number, if known

Debtor **West Virginia Resorts, LLC**
Name

Case number (if known)

11. Why is the case filed in this district?

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?☒ No☐ Yes.

Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

- ☐
- It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? _____

- ☐
- It needs to be physically secured or protected from the weather.

- ☐
- It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

- ☐
- Other _____

Where is the property? _____

Number, Street, City, State & ZIP Code

Is the property insured?

- ☐
- No

- ☐
- Yes. Insurance agency _____

Contact name _____

Phone _____

Statistical and administrative information**13. Debtor's estimation of available funds**

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors☐ 1-49☒ 50-99☐ 100-199☐ 200-999☐ 1,000-5,000☐ 5,001-10,000☐ 10,001-25,000☐ 25,001-50,000☐ 50,001-100,000☐ More than 100,000**15. Estimated Assets**☐ \$0 - \$50,000☐ \$50,001 - \$100,000☐ \$100,001 - \$500,000☐ \$500,001 - \$1 million☒ \$1,000,001 - \$10 million☐ \$10,000,001 - \$50 million☐ \$50,000,001 - \$100 million☐ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion**16. Estimated liabilities**☐ \$0 - \$50,000☐ \$50,001 - \$100,000☐ \$100,001 - \$500,000☐ \$500,001 - \$1 million☒ \$1,000,001 - \$10 million☐ \$10,000,001 - \$50 million☐ \$50,000,001 - \$100 million☐ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion

Debtor **West Virginia Resorts, LLC**
Name

Case number (if known)

Request for Relief, Declaration, and Signatures

WARNING – Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **July 17, 2019**
MM / DD / YYYY

X **/s/ Dr. David Church**

Signature of authorized representative of debtor

David H Church

Dr. David Church

David H Church

Printed name

Title **Manager**

18. Signature of attorney

X **/s/ Joseph W. Caldwell 586; John J.
Balenovich 10179**

Signature of attorney for debtor

Date **July 17, 2019**

MM / DD / YYYY

Joseph W. Caldwell 586; John J. Balenovich 10179 John J. Balenovich
Printed name

Caldwell & Riffe
Firm name

**3818 MacCorkle Ave. S.E. Suite 101
Post Office Box 4427
Charleston, WV 25364-4427**
Number, Street, City, State & ZIP Code

Contact phone **(304) 925-2100**

Email address

**joecaldwell@frontier.com &
chuckriffe@frontier.com**

W. Caldwell 586; John J. Balenovich 10179 WV
Bar number and State

Fill in this information to identify the case:

Debtor name **West Virginia Resorts, LLC**United States Bankruptcy Court for the: **NORTHERN DISTRICT OF WEST VIRGINIA**

Case number (if known): _____

☐ Check if this is an
amended filing**Official Form 204****Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders**

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
A Construction Company 310 Burner Road Philippi, WV 26416						\$7,517.03
Allegheny Power - MonPower P.O. Box 3615 Akron, OH 44309						\$4,668.27
Arnold Bros. Equipment Corp. 105 Arnold Lane Oakland, MD 21550						\$7,168.25
Beam Blasting, LLC 5057 Sissonville Drive Charleston, WV 25312						\$7,932.66
Canaan Valley Gas P. O. Box 250 Beverly, WV 26253						\$4,060.11
Carl J. Roncaglione Jr. Suite 401 Boulevard Tower 1018 Kanawha Boulevard East Charleston, WV 25301						\$15,539.00
CNA Surety Direct Bill P.O. Box 957312 Saint Louis, MO 63195						\$1,500.00
Joe Beam 874 Chester Road Charleston, WV 25302						\$21,023.68

Debtor **West Virginia Resorts, LLC**
Name

Case number (if known)

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				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Precision Pump 517 old Goff Mountain Road Charleston, WV 25362						\$2,400.00
Public Service Commision of WV P.O. Box 812 Charleston, WV 25325						\$2,641.03
R. Mike Mullens & Associates, L.C. 324 Randolph Avenue Elkins, WV 26241						\$4,593.89
Secretary of State Business & Licensing P.O. Box 40300 Charleston, WV 25364						\$2,000.00
Sheriff of Tucker County 215 Fiirst Street Parsons, WV 26287						\$5,685.51
Skylane Aviation, LLC 100 Harris Drive Poca, WV 25159						\$2,680.95
State of West Virginia Revenue Division P. O. Box 2745 Charleston, WV 25330						\$9,600.00
West Virginia State Auditor's Office Pub 1900 Kanawha Boulevard Building 1, Room W-118 Charleston, WV 25305						\$26,175.46
West Virginia State Tax Department P.O. Box 1667 Charleston, WV 25326						\$30,000.00

Debtor **West Virginia Resorts, LLC**
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
West Virginia State Tax Department Compliance Division PO Box 1221 Charleston, WV 25324-1221						\$25,645.19
Windwood Homeowner's Association 1 Cessna Lane Davis, WV 26260						\$11,434.88
WV Department of Environmental Protection 601 57th Street SE Charleston, WV 25304						\$2,000.00

West Virginia Resorts, LLC
100 Harris Drive
Rock Branch Industrial Park
Poca, WV 25159

Joseph W.Caldwell 586;John J. Balenovich10179
Caldwell & Riffie
3818 MacCorkle Ave. S.E. Suite 101
Post Office Box 4427
Charleston, WV 25364-4427

A Construction Company
310 Burner Road
Philippi, WV 26416

A-Tech Land Surveying LLC
Rt. 1 Box 107-B
Buckhannon, WV 26201

A.J. Sawyer's Pumbing Co.
P.O. Box 57
Franklin, WV 26807

AirNav LLC
P.O. Box 20273
Atlanta, GA 30325

Allegheny Power - MonPower
P.O. Box 3615
Akron, OH 44309

Arnold Bros. Equipment Corp.
105 Arnold Lane
Oakland, MD 21550

Bank Direct Capital Finance LLC
P.O. Box 660448
Dallas, TX 75266

Beam Blasting, LLC
5057 Sissonville Drive
Charleston, WV 25312

Berry
P.O. Box 790334
Saint Louis, MO 63179

Booking.com B.V.
5295 Paysphere Circle
Chicago, IL 60674

Canaan Garage & Service Inc.
6807 Appalachian Hwy.
Davis, WV 26260

Canaan Mountain Enterprise LLC
P.O. Box 33
Gormanian, WV 26720

Canaan Valley Gas
P. O. Box 250
Beverly, WV 26253

Carl J. Roncaglione Jr.
Suite 401 Boulevard Tower
1018 Kanawha Boulevard East
Charleston, WV 25301

CNA Surety Direct Bill
P.O. Box 957312
Saint Louis, MO 63195

DirectTV
P.O. Box 60036
Los Angeles, CA 90060

Division of Water and Waste Management
P.O. Box 364
Charleston, WV 25322

Freedom Bank
315 Crim Avenue
Belington, WV 26250

Freedom Bank
315 Crim Avenue
Belington, WV 26250

Frontier
P.O. Box 830030
Baltimore, MD 21283

H&H Hardware
P.O. Box 777
Thomas, WV 26292

Hart Appraisals
Rt. 4 Box 270
Elkins, WV 26241

Joe Beam
874 Chester Road
Charleston, WV 25302

Joe R. Pyle Complete Auction and Realty
5546 Benedum Drive
Shinnston, WV 26431

Martin Plumbing & Heating
2224 Brushy Run Road
Seneca Rocks, WV 26884

OC Cluss Lumber Co.
Debt. L-2731
Columbus, OH 43260

Precision Pump
517 old Goff Mountain Road
Charleston, WV 25362

Public Service Commision of WV
P.O. Box 812
Charleston, WV 25325

R. Mike Mullens & Associates, L.C.
324 Randolph Avenue
Elkins, WV 26241

Reliance Labrotories Inc.
P.O. Box 4657
Bridgeport, WV 26330

Secretary of State Business & Licensing
P.O. Box 40300
Charleston, WV 25364

Sheriff of Tucker County
215 Fiirst Street
Parsons, WV 26287

Shuman, McCuskey & Slicer
P.O. Box 3983
Charleston, WV 25339

Skylane Aviation, LLC
100 Harris Drive
Poca, WV 25159

Smigals Water and Wastewater Service
2941 Cortland Road
Davis, WV 26260

STANCO of West Virginia Inc.
P.O. Box 833
Scott Depot, WV 25560

State of West Virginia Revenue Division
P. O. Box 2745
Charleston, WV 25330

Straight Line Surveys
P.O. Box 317
Mount Storm, WV 26739

Sunrise Sanitation Services Inc.
P.O. Box 675
Oakland, MD 21550

Tucker County Health Department
206 Senior Lane
Parsons, WV 26287

U.S. Food Service
P.O. Box 643190
Pittsburgh, PA 15264

Unemployment Compensation Division
P.O. Box 106
Charleston, WV 25321

Valley Protiens Inc.
P.O. Box 643393
Cincinnati, OH 45264

Verizon
P.O. Box 920041
Dallas, TX 75392

West Virginia State Auditor's Office Pub
1900 Kanawha Boulevard
Building 1, Room W-118
Charleston, WV 25305

West Virginia State Tax Department
Compliance Division
PO Box 1221
Charleston, WV 25324-1221

West Virginia State Tax Department
P.O. Box 1667
Charleston, WV 25326

Windwood Homeowner's Association
1 Cessna Lane
Davis, WV 26260

WV Alcohol Beverage Control Admin.
900 Pennsylvania Avenue
Charleston, WV 25302

WV Department of Environmental Protection
601 57th Street SE
Charleston, WV 25304

WV Division of Highways
1900 Kanawha Boulevard East
Building 5 Room 550-A
Charleston, WV 25305

**United States Bankruptcy Court
Northern District of West Virginia**

In re **West Virginia Resorts, LLC**

Debtor(s)

Case No.

Chapter **11**

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **West Virginia Resorts, LLC** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

☒ None [Check if applicable]

July 18, 2019

Date

/s/ Joseph W.Caldwell 586;John J. Balenovich10179

Joseph W.Caldwell 586;John J. Balenovich10179 John J. Balenovich

Signature of Attorney or Litigant

Counsel for **West Virginia Resorts, LLC**

Caldwell & Riffie

3818 MacCorkle Ave. S.E. Suite 101

Post Office Box 4427

Charleston, WV 25364-4427

(304) 925-2100 Fax:(304) 925-2193

joecaldwell@frontier.com & chuckriffie@frontier.com